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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

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SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 August 1991, at 10 a.m.

Chairman: Mr. JOINET

later: Mrs. BAUTISTA

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The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (*continued*)
(E/CN.4/Sub.2/1991/14, 15, 46 and 51; E/CN.4/Sub.2/1991/NGO 9;
E/CN.4/Sub.2/1990/2; E/CN.4/Sub.2/1989/47, 51 and 55)

1. Mr. HOWEN (Amnesty International) stressed the importance of agenda item 6, which not only provided a context for the Sub-Commission's thematic studies, but also injected a necessary reality into its discussions. Amnesty International believed that the Sub-Commission's role should be, firstly, to identify objectively and impartially situations of grave human rights violations on which no action had yet been taken by the United Nations and which required specific steps to address them; secondly, it should bring to the attention of the Commission on Human Rights relevant developments in countries that were already the subject of United Nations action when it was clear that further measures were needed to prevent serious violations from continuing unchecked. The Sub-Commission was also well placed to keep under consideration the different forms of United Nations action to protect human rights and to recommend to the Commission new measures to respond more rapidly and effectively to grave violations.

2. One such situation to which Amnesty International had repeatedly drawn the attention of the United Nations was that of Iraq. In 1989 it had described that situation as one of the most flagrant and massive violations of human rights, requiring urgent international action. Yet a Special Rapporteur on Iraq was only now about to begin his work. While Amnesty International welcomed that beginning, it believed that further steps were urgently needed to protect the population and to establish durable guarantees for the respect of human rights in Iraq. It was deeply concerned for the lives and safety of hundreds of thousands of Kurds, Arab Shia Muslims and others in Iraq whom it believed to be at serious risk of arbitrary arrest, torture, "disappearance" and extrajudicial execution. In July 1991, Amnesty International had addressed an urgent appeal to the United Nations Secretary-General calling for an ongoing United Nations human rights monitoring operation to be established in Iraq and maintained as long as necessary to ensure the establishment of measures for the long-term protection of human rights in that country. It hoped that the proposal would be given serious and urgent consideration.

3. Amnesty International had also welcomed the appointment of the Special Rapporteur on occupied Kuwait, although it remained concerned about violations committed since the Iraqi forces had withdrawn from the country. Hundreds of Iraqis, Palestinians, bedouin and others had been arbitrarily arrested; many had been tortured while others had "disappeared". An estimated 400 detainees, many of them Iraqis, had been summarily expelled to Iraq, where it was feared some might become victims of further abuses. Recent trials of suspected "collaborators" had violated international standards. Amnesty International urged that the Special Rapporteur's mandate be extended to enable that situation to be properly addressed.

4. In Myanmar, thousands of prisoners of conscience had been arrested, some 50 elected parliamentarians had been imprisoned and there were continuing reports of extrajudicial killings and arbitrary detention of members of ethnic minority groups. The United Nations should now examine closely the measures it had already taken and consider how they might be strengthened to respond more effectively to the situation in that country.

5. In Iran, Amnesty International had recorded 547 executions in the first seven months of 1991. Despite some releases, under unacceptable conditions, many political prisoners, including prisoners of conscience, remained in detention. No basic safeguards had been introduced to prevent torture and the ill-treatment of prisoners. It was imperative to maintain the Special Representative on Iran until there was a demonstrable improvement in the human rights situation.

6. Two years previously the Sub-Commission had expressed its concern about events in China. Although grave violations persisted, no further action had been taken by the United Nations. The killings both of the pro-democracy protesters in 1989 and of dozens of Tibetan demonstrators in Lhasa between 1987 and 1989 had demonstrated the Chinese Government's disregard for fundamental human rights. There had also been no attempt to introduce safeguards to prevent violations, such as the continuing use of torture to extract confessions. Despite a few releases since August 1990, thousands of political prisoners were still being held, including prisoners of conscience. Some were serving long sentences after unfair trials, while others had been detained for over a year without trial. During an anti-crime campaign begun two years previously, executions had risen sharply into the thousands.

7. Another grave situation previously drawn to the attention of the United Nations but not yet addressed was that of Mauritania. The illegal arrests and detention, extrajudicial killings, torture and "disappearances", particularly of the "Hal-pulaar" black ethnic group, which had begun in May 1989 had not been adequately investigated. In November and December 1990, several thousand black Mauritians had been arrested, allegedly in connection with a conspiracy to overthrow the Government. Many of the detainees had been unconditionally released in April 1991. However, recent information indicated that at least 339 known detainees had not been released: 142 were confirmed to have been extrajudicially executed while in custody and the remaining 197 were believed to have died in detention, many as a result of torture.

8. In situations of long-standing gross violations of human rights, the international community too often stood back when a new Government took office, although it was at such times of transition that the United Nations could play a constructive role. In Peru, despite the assurances of President Fujimori on taking office that human rights would be fully respected, the pattern of grave violations documented since 1983 had continued. Since July 1990, Amnesty International had documented 266 new cases of alleged "disappearance" and 41 cases of extrajudicial executions, as well as cases of torture, including rape, committed by the security forces. It had made clear in its reporting the nature of the atrocities committed by armed opposition groups, particularly Sendero Luminoso. It strongly condemned the torture and killing of captives by that group. However, such abuses could never justify violations by government authorities. Among the cases that had occurred in

the first year of the new Government was the reported killing, by soldiers and an army-controlled Civil Defence Committee, of 15 unarmed men, women and children from the Iquicha community near Uchuraccay on 22 August 1990. The community leaders had reportedly refused to cooperate with the military in a planned confrontation with Sendero Luminoso.

9. Another long-standing pattern of violations, repeatedly drawn to the attention of the United Nations, had continued unchecked for more than 15 years in Syria. Despite the release of 80 political prisoners and over 700 Palestinian detainees three months previously, the human rights situation remained extremely grim. Thousands of suspected opponents of the Government, including some 300 prisoners of conscience, remained in detention. The majority were held in indefinite detention, without charge or trial, and in some cases had been held for over 21 years. Reports were still received of routine torture of political detainees, which in the past year had resulted in four deaths.

10. The need to address grave situations of human rights violations at an early stage, wherever they occurred, was one of the major challenges facing the United Nations human rights bodies. The United Nations could not ignore the plight of thousands of victims of gross violations or delay a response until political circumstances made it expedient to act. The Sub-Commission should identify such situations before they deteriorated further and take whatever steps were necessary, including the development of new and constructive proposals for concrete and decisive action.

11. Mr. KHALIFA, said that there had always been difficulties in identifying the best approach to item 6, but one thing was clear: the Sub-Commission had to apply the guidelines contained in Commission resolution 1991/56. Its members had to avoid cataloguing States into the good and the bad. That could be left to those who spoke on behalf of their Governments. The Sub-Commission's task was to study situations, analyse phenomena and new developments that could lead to gross human rights violations.

12. It could not be claimed that the human rights situation in the world was improving: the word to use was deterioration. There were millions of displaced persons and refugees, hundreds of thousands of casualties in armed struggles, maiming, famine, disease, destruction, destitution and the plight of millions of children. The insensitivity shown to such colossal suffering struck him like a hammer blow. The bedrock of any human rights work was the capacity to acknowledge that all human beings were equally human, regardless of differences; the pinnacle of hypocrisy was to feel only for one's own people, while secretly wondering whether others had a right to human rights.

13. The concept of human rights had always changed with time. Two world wars in the first half of the century had generated a certain type of human rights; the second half had brought about a modified version. The cold war had been a golden era for development of human rights ideas and, at the same time, for putting human rights at the service of expediency and self-interest. Recently, with the disintegration of the Soviet bloc, and the disappearance of the bipolar system of world order, together with the traumatic Gulf war which could not have been possible in a bipolar world, a new concept of human rights was bound to be born to fit a world that no longer knew any real dialogues,

East-West or North-South, but rather a monologue sung by one super-Power. Against such a background, where could human rights be found?

14. War itself was a total denial of the right of peoples to peace, which in itself was the guarantor of most other human rights. The Gulf war had been fought in a peculiar way: for the first time in modern times, war had been conducted like big business, by raising cash to meet the cost and striking early deals to undertake the reconstruction of what had been destroyed. Although the war had not been nuclear, the combined effect of high-tech weaponry, extra-heavy and smart bombs, stealth aircraft and advanced electronics was close to nuclear devastation. Never had a war been fought with such accuracy, not only with regard to weaponry, but politically and economically as well.

15. At a time when the United States national debt had become intolerable, with the economy suffering from the nightmare of Japan's economic super-performance, there had come the God-sent Gulf war. The pre-war woes of the threatened American leadership had subsided. It had lately been reported that the cash contributions by the coalition partners of the United States had pushed the current account of that country into surplus in the first quarter of 1991 for the first time in almost a decade: from a deficit of \$9.2 billion in the final quarter of 1990 to a surplus of \$16.9 billion in the first quarter of 1991. That figure reflected only the war cost itself, which amounted to \$60 billion. Reconstruction costs which were the big economic story, were estimated at \$500 billion. Above all, the winner of the Gulf war was never in doubt: a perfect textbook victory was naturally expected. It could also be expected that human rights would be largely eclipsed by the rights of the winner, who, because of his military excellence, would take all.

16. Until the previous year it had been assumed that the strength of nations would soon be measured by the strength of their economies. Contrary to expectations, force, even excessive force, was still the master and the parameter. Now that the hopes of a united Europe and Japan about facing up to the United States were dying, the United States had to work hard to close the gap between its military and political score on one hand and, with only 22 per cent of world production, its economic viability on the other.

17. It was easy to foresee, in the remaining years of the century, the unwinding of most of the achievements of the century in the promotion of human rights. Charity would gradually replace rights. The budding new collective rights to development and solidarity could be forgotten; even the right to live would be reduced to the right to live on goodwill and handouts in a state of economic exploitation and political humiliation.

18. The impact of the new developments in human rights could be felt in three areas: democracy, the arms trade and the so-called right of humanitarian intervention.

19. In Eastern Europe the newly liberated peoples were facing unemployment and insecurity. The ideological rift seemed to have been replaced by an economic and social one. Marxism, dictatorship and centrally-planned economies had been replaced by only a vague laissez-faire ideology, called

democracy by some and strongly recommended by the West. Democracy, however, was not a market commodity. A market economy could, with difficulty, be created; but not a market democracy. Imposing Western democracy was like asking a child to run before he learned to walk. The democratization urged by the West had its limitations. It would never bloom in a climate of total poverty and deprivation. If they were not careful, people searching for Western-style democracy would fall prey to neo-fascism: they would be crushed by the multinationals and their national agents and would end up too starved, demoralized, and oppressed to exercise any human rights, social, economic, political or civil. People had to grow into democracy as they grew into manhood, and suffer the growing pains.

20. Defence spending by developing countries amounted to almost \$200 billion a year; there was obviously a dire need to stop excess weaponry in order to convert the resources thus freed to productive activities. One Tornado aircraft cost £27 million, enough to feed 27 million starving people for a full month. On the other hand, the suppliers of advanced military technology and materials for limited- or mass-destruction weaponry were Governments which depended on those sales for their balance of payments or private businesses which cared only for profits. Arms industrialists and dealers were doing very well; they were always looking for another war, another enemy to justify excess spending on high-tech, expensive weaponry. The poor developing countries therefore had to be encouraged to kill each other. The technologically developed countries could not afford peace; they had to keep manufacturing and selling arms. Peace was too costly.

21. The right or duty to interfere on humanitarian grounds was a concept that was gaining attention. Through the Charter of the United Nations or international treaties intervention could be legitimized, but the fundamental doctrine of sovereignty should otherwise remain intact. Nevertheless, under the guise of human rights and simulated benevolence, certain circles were advocating the breach of that doctrine on the pretext that they could not remain inactive when confronted by outrageous abuses of human rights, even inside a sovereign State. On the initiative of France, the General Assembly in 1988 had endorsed the "right to humanitarian assistance" which was quite vague and open to misinterpretation. History taught that sending soldiers across borders was simply colonization. In the name of safeguarding sovereignty the big Powers could wage a war, as in the case of Iraq and Kuwait. They could however, disregard sovereignty as they had in Grenada and Panama. Misgivings about sovereignty had hindered the ratification by the United States Senate of the Convention on Genocide for 40 years; when the United States Senate had recently ratified the Convention against Torture it was with the explicit stipulation that its interpretation had to be consistent with the United States Constitution.

22. If some people believed strongly in the right to intervene for humanitarian reasons, why had South Africa been left to dehumanize the majority of its people for so long, subject only to condemnations, regrets and perforated sanctions meted out with mixed feelings and reluctance? In the name of human rights, in pursuit of self-interest and political expediency, big Powers were speaking of a "softer" sovereignty, a new world order where a country could feel entitled, by its own definition of legality or legitimacy, to trespass on another country's land and put things in order. The sufferings

of the Palestinians were well-known: could those people, who had lost their motherland in the most outrageous aggression of the century, benefit from the right of humanitarian intervention? Of course not, since a double standard was being used. Over 12 million non-Europeans, most of them belonging to the third world, lived in European Community States in a xenophobic nightmare, prime victims of hatred, prejudice and persecution campaigns. Why did those countries refrain from using the right of humanitarian intervention in their own territories?

23. Those were just a few examples of what would become of human rights in the near future.

24. Mr. CABRAL (Anti-Slavery International) said that he had left East Timor four years earlier and had subsequently remained in close touch with the clandestine network both in that country and in Indonesia. The movement was taking great risks fighting for the right to self-determination.

25. The Indonesians wished above all to hide the fact that they still had tens of thousands of troops in East Timor to isolate the population from the guerrillas in the bush. So long as East Timor was occupied by foreign forces, the people would continue to resist them. The East Timorese would never accept integration.

26. He expressed his gratitude to the Sub-Commission for the resolutions adopted in 1989 and 1990 which represented continuing proof that the United Nations was deeply concerned about human rights abuses in East Timor.

27. Currently there was great tension in East Timor because the people eagerly awaited the visit of the Portuguese Parliamentary Delegation which would represent the first occasion in 16 years that representatives of the country recognized by the United Nations as the Administering Power would visit the country. While the people were very eager to welcome them, the occupation forces were scheming to sabotage the mission. They were arming their secret police and were planning provocations which could plunge the country into conflict. It was of particular importance that the United Nations should do everything possible to protect people who wished to speak to the visiting members of Parliament.

28. He had been informed that the Indonesian intelligence agency would mobilize students from Manatuto, in the north-east of the country, to demonstrate against the Portuguese delegation. There were plans to organize demonstrations against pro-independence rallies, creating conflict in an attempt to prove to the world that the people of East Timor were not united in their support for independence. It had to be recognized that the visit of the mission might result in renewed repression, many more arrests and disappearances as soon as the delegation left any area visited and, in particular, the moment they left the country. The period was likely to be one of great turbulence and repression in East Timor.

29. Despite United Nations resolutions, there had been no improvement in the human rights situation in East Timor. News continued to be received about violations, disappearances and summary executions. People lived in constant fear of arbitrary arrest, of maltreatment and torture, not only in the towns

but also in the villages. More territorial troops were stationed in every village than ever before; they often declared curfews without notice and shot people dead for violating a curfew of which nobody was aware.

30. Tens of thousands of Indonesians had settled in East Timor, taking the land, running the economy, occupying the jobs and running the administration. At the same time hundreds of young East Timorese had been enticed into leaving the country, to work in Java. The scheme was presented as a way to solve unemployment but in fact it was designed to remove young Timorese people and use them as cheap labour in factories owned by Indonesian conglomerates. It was a scheme to defuse resistance by the younger generation to the Indonesian invader.

31. Currently the Indonesians had 14 battalions in East Timor for the purpose of crushing the national resistance and capturing its leader, Xanana Gusmao. The occupation forces blamed the population for their own failure and used it as an excuse to continue with the cultural and physical extermination of the East Timorese people.

32. He therefore urged the Sub-Commission to follow the situation in East Timor more closely than ever and to adopt another resolution in condemnation of Indonesian repression. It was also crucially important for the United Nations to persuade the Indonesian Government to enter into serious negotiations with the leaders of the East Timorese resistance. That was the only way to restore peace and end repression. The place to start creating the new world order was in East Timor; it was indefensible for a large country to be allowed to colonize a tiny neighbouring country and for the Indonesian regime to be allowed to continue to abuse the East Timorese people's right to self-determination. The integrity of the country must be restored.

33. Mr. BALIAN (Human Rights Advocates) noted with concern that, during the previous two years, the nationalities conflict within the Soviet Union had developed into an explosive situation, particularly in the Baltic and Caucasus Republics, including in and around Nagorno-Karabagh; full-scale war had erupted on a number of occasions, threatening the significant human rights advances which had been made within the entire Soviet Union. The central Government had failed to address the underlying fundamental problems of the conflicts.

34. His organization was concerned that the conflicts would multiply exponentially unless the international community gave the problem due consideration by entering into a partnership of cooperation with the Soviet Union in search of a peaceful process. To date however the international community had largely ignored the conflict.

35. Recent developments in one region with conflicting territorial and sovereignty claims illustrated the potential for violence. In April and May 1991 an already critical situation in and around the Nagorno-Karabagh autonomous province had deteriorated further. Units of the Soviet Interior Ministry armed forces had taken part in the deportation of thousands of civilians from their ancestral lands with the obvious aim of altering the demographic composition of a disputed area. Shortly thereafter, an international human rights observer team from the André Sakharov Memorial

Congress had visited the region and had concluded that grave violations of human rights and humanitarian laws had been committed by Soviet and Azerbaijani Interior Ministry troops, including the taking of hostages, disappearances, summary executions, torture and arbitrary detentions. In addition, the forced deportation of whole villages had occurred, affecting thousands of Armenians and the team had also found credible and compelling evidence that additional deportations were being planned by the Azerbaijani authorities.

36. Soviet and Azerbaijani officials had justified the violations of human rights and humanitarian laws on the grounds that action had been needed to disarm "Armenian armed bandits and guerrillas" who were the only inhabitants of villages targeted by Interior Ministry troops. The justification was not convincing. The average age of more than 30 people killed in two villages alone was over 61, rather high for bandits and guerrillas. Other questions which arose were why three medical doctors and a journalist in the same villages had been detained and tortured for over 30 days and why humanitarian assistance had been denied to injured people in the encircled villages. How also could it be that more than 10,000 civilians had been deported from their ancestral villages if only "armed bandits" were in those villages? If the aim was indeed to disarm "armed bandits", why was it necessary to kidnap 11 police officers from a village within the borders of Armenia and summarily execute them? A more convincing explanation for the gross violations would appear to be that they represented an attempt to resolve sovereignty and territorial disputes by the use of force, violence, intimidation and deportations.

37. The international community should be alarmed by such unjustified and grave violations which only served to sharpen the conflicts further and make positions more intransigent. It should also be concerned with the more than one-half million internal refugees created during the previous three years as a result of the Ngorno-Karabagh conflict and at the destructive potential of proliferating nationality conflicts and the consequent threat to the democratization process within the Soviet Union.

38. The Soviet Union currently faced a complex period in its history and the outcome would depend on the choices made by the central authorities as well as the republics in addressing the nationalities conflicts. His organization was convinced that the international community could play a significant and constructive role in the peaceful resolution of those conflicts by assisting the central authorities as well as the republics to overcome the difficulties. His organization therefore urged the Sub-Commission and the international community to call upon the parties concerned to halt the use of force in resolving conflicting sovereignty and territorial disputes and to rely instead on dialogue and appeals for international mediation; to respect fully the linguistic, cultural and religious rights of minorities within their territories; to respect fully the laws of armed conflict and particularly to stop the forced transfers of populations into disputed territory; to ensure respect for and promotion of human rights; to formulate urgently and initiate, in cooperation with competent bodies of the United Nations and the international community, a viable process based on the principles of international law, to determine and mediate the future of disputed territories and sovereignty rights within the Soviet Union.

39. Human Rights Advocates also urged the Sub-Commission to request the Centre for Human Rights to tender advisory services to help the Soviet Union formulate processes to resolve the nationalities conflicts as well as to help the republics establish democratic institutions to improve human rights conditions and to recommend that thematic special rapporteurs investigate the reports of human rights violations to which he had referred and include their findings in their respective reports. In conclusion, Human Rights Advocates would submit to the Sub-Commission a comprehensive and up-to-date working paper examining the human rights concerns which he had enumerated.

40. Mr. AL-JADIR (Arab Organization for Human Rights) said that the past year had been a difficult one for human rights in the Arab world. The growing number of settlers in the occupied territories had exacerbated further the deteriorating situation of the human rights of the Palestinian people and continued to represent an obstacle to peace in the region. Iraq's invasion of Kuwait had deprived Arab and other residents of that country of their human rights. There had been deportations, summary executions and loss of property. The most flagrant violation had been the cynical burning of Kuwait's oil wells by Iraq before its withdrawal.

41. It was a matter for regret that, following the liberation of Kuwait, the restored authorities had resorted to grave abuses of the human rights, including summary executions, of individuals accused of collaboration with the invading Iraqis as well as of an indeterminate number of innocent Palestinians and other Arabs. There had subsequently been some improvement in the situation; death sentences had been commuted and new elections had been announced. The electoral law should however be changed to enable residents not of Kuwaiti nationality and women to vote.

42. Following the military coup in Iraq in 1968, many flagrant violations of human rights had occurred, including the use of chemical weapons by the regime against its own Kurdish minority.

43. As a consequence of the Gulf war, the economic and social structure of Iraq had been destroyed and the country had been thrown back to the pre-industrial era. Four months after the war had ended, only 22 per cent of Iraq's total electricity generating capacity was functioning, representing the same output as in 1920.

44. The Iraqi people had suffered not only from the devastating effects of the war but subsequently from the brutal behaviour of their own authorities against protest movements. Political clubs and religious groups were forbidden; candidates for public office must subscribe to the principles of the military coup. The new Constitution banned political activity except that of the ruling party.

45. Amnesty International had called for machinery to monitor the human rights situation in Iraq. It was incumbent on the United Nations to increase its humanitarian assistance to women, children and the minorities in Iraq. Iraq's revenues from its oil production had been reduced by the Security Council which appeared to have forgotten that the west had supplied the weapons for the conflict. Those same Western countries now wanted to destroy what was left of Iraq. When the Iraqi people eventually gained the

right to free elections they would hold those countries to account and ask the foreign Powers which had armed the regime to compensate them for their losses. It was essential that arms should be destroyed and an arms-free area established in the Middle East. A resolution to that effect should apply to all countries in the Middle East, including Israel.

46. Mrs. Bautista took the Chair.

47. Mrs. ATTAH agreed that the situation of human rights was one of stark contrast: on the one hand, undeniable progress had been made while, on the other hand, widespread violations continued unabated.

48. The international community continued to witness conflicts and tensions in many areas, particularly in the third world. Those conflicts had created greater hardships in their wake, causing displacements, in particular of children and women. In some regions the problem had been exacerbated by famine resulting from drought. Conflicts and tensions were most prevalent in Africa and one of the root causes of the violations of human rights in that continent. The ironic situation was that African countries, known for their hospitality, had been constrained to host refugees and displaced persons, thus stretching their own already poor economies; the result was extreme poverty for both hosts and guests.

49. The magnitude of the problem created by the refugees and displaced persons had been such that, at the recently concluded OAU Summit in Abuja, the Heads of Government had appealed to the international community to assist those countries hosting large numbers of refugees while at the same time calling on all member States to create an atmosphere conducive to the voluntary repatriation of those refugees. There was no gainsaying that the human rights of those vulnerable refugees and displaced persons were daily, albeit inadvertently, violated by host Governments because of the financial burden with which those Governments had to contend. The urgency of the problem was illustrated by the fact that one out of every two refugees in the world was an African.

50. She noted with pleasure a glimmer of light at the end of the tunnel in that some of the protracted and chronic conflicts in Africa had either been resolved or would hopefully be ended in the near future. Examples such as Namibia and Angola came to mind.

51. The positive signs and progress which had started two years earlier with the fall of the Berlin wall and the end of the cold war had created conditions which should help resolve many tensions in the world. The democratic wind blowing in many parts of the world, particularly in Africa, was a welcome development. She wished none the less to stress that, for the democratic processes embarked upon by many African countries to be brought to fruition, help was necessary. It was ironical to urge a country, torn apart by incessant demonstrations and riots brought about by the harsh conditions of the International Monetary Fund and other financial institutions, to democratize and at the same time promote the enjoyment of human rights for all its citizens.

52. She wished to pay a tribute to those States which had made genuine efforts in the field of human rights and in that connection she welcomed the progress towards reconciliation in Cambodia. She also welcomed the proposed meeting scheduled to take place in September 1991 on the question of Cyprus. The role of the Secretary-General in that matter was crucial. All parties should be encouraged so that a fair and just solution based on United Nations resolutions could be found. The European Community would also have an important role to play.

53. She was greatly concerned by the violations of the human rights of the Arabs in the territories occupied by Israel. The suffering of the Palestinians had continued unabated in spite of the many concerns expressed by the international community. She once again called for an end to the occupation of the Palestinian lands by Israeli forces. It was unfortunate that the Palestinians, victims of violations for decades in their own homeland, had been the real victims of the Gulf war. She therefore welcomed the efforts being made to convene a Middle East conference later in the year. She appealed to all the parties concerned to show flexibility so that the problem could be solved and the Palestinians be given their own homeland in which to exercise their democratic rights.

54. She wished to reiterate that although the four pillars of apartheid were said to have been repealed, the bills replacing them had brought them back through the back door. There was therefore a need to exercise vigilance while dealing with the apartheid regime in South Africa. The destabilization policy of South Africa inflicted on its neighbours had resulted in the partial destruction of their economies and could not be forgotten. It was to be hoped that South Africa would pay appropriate compensation in due course.

55. The human rights of migrant workers and their families were clearly being violated in many countries, particularly the developed ones. She hoped that adherence to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would help to alleviate the plight of such people and improve their conditions. She also hoped that migrant workers who had lost their savings in the Middle East during the period of annexation of Kuwait would be compensated.

56. The human rights seminars and workshops should be encouraged further and law-enforcement agencies and the military in countries with consistent patterns of human rights violations should be persuaded to participate actively in them. In order to enable the Centre for Human Rights to carry out its mandate, more funds should be made available to it. With the democratization process under way in Africa, Eastern and Central Europe, the task before the Centre was huge.

57. Mr. LITTMAN (World Union for Progressive Judaism) paid a tribute to Switzerland, whose democratic traditions were the oldest in Europe, on its 700th anniversary. The Swiss Federal Pact of 1 August 1291 was an exemplary text for its time. Its message that it was honourable and profitable to consolidate treaties in peace and tranquility was still appropriate, especially for those States Members of the United Nations that had neglected to sign and ratify the International Covenants or, having done so, regularly broke them.

58. In a statement to the Sub-Commission on 17 August 1988 he had warned that the lack of widespread international protest at Iraq's use of chemical warfare, particularly against its own Kurdish population, should be addressed promptly by the Sub-Commission and the Commission. By a majority vote the Sub-Commission had failed publicly to condemn Iraq at that time.

59. On 6 February 1989, before the Commission on Human Rights, he had again dealt extensively with the Iraqi Government's use of poison gas against its Kurdish population, and he had returned to the charge in the Sub-Commission on 11 August 1989, summarizing the history of chemical warfare. His conclusion had been that the countries tolerating the murderous traffic must put an end to any further supplies of such substances, including services and spare parts.

60. That recapitulation of his organization's consistent efforts in an area concerning which the Sub-Commission and the Commission on Human Rights had been dragging its feet for years, was intended to strengthen his appeal that the Sub-Commission should give serious consideration to its suggestion that a special rapporteur should be appointed immediately to list all national and multinational companies engaged in the lucrative trade in poison gas and all forms of non-conventional weapons, including those in States still unwilling to control such repulsive transactions undertaken by their nationals out of greed, thus contributing to a future chemical war in the Middle East and elsewhere. They deserved to be denounced as the worst type of criminal. In that connection, Mr. Khalifa might perhaps be able to switch his proven skills from South Africa to the Middle East.

61. An important source of information on that matter was a report prepared by Kenneth Timmerman for the Simon Wiesenthal Centre in Los Angeles. A total of 207 companies, 86 of them in Germany, 18 in the United States of America and the United Kingdom, 17 in France and Austria, 12 in Italy and 11 in Switzerland had allegedly sold non-conventional weapons to Saddam Hussein. There had been recent revelations in The Sunday Times about British exports for Iraq's nuclear bomb programme as late as August 1990. Thus, the Sub-Commission would have ample material for a report on the subject.

62. On the issue of the hostages in Lebanon, he wondered why the 11 Jewish hostages had been totally forgotten although at the time of their abduction between 1984 and 1986 they had been much in the news. Since 1986 he had mentioned their plight on many occasions in the Commission and the Sub-Commission, describing all those abducted because they were Jews by an Islamic terror group entitled Organization of the Oppressed on Earth. That organization had indeed oppressed, tortured and killed most of their hapless victims, including Colonel William Higgins, the American Commander of the United Nations Truce Supervision Organization, whose execution had been shown on television. The gang of killers had executed 9 out of the 11 Jewish hostages but only 4 bodies had ever been recovered.

63. There was no reason why Jews should be excluded from the present call for all hostages to be freed. Throughout history the Jews had been considered expendable. President Assad of Syria alone would have the final say as to whether all hostages meant just that or whether it meant all except Jews, including Israeli prisoners of war. The Sub-Commission's voice might be persuasive if it adopted a global resolution on the hostage question.

64. Those who executed in the name of Allah, and refused to account for those they had abducted or even to return dead bodies, should bear in mind the words attributed by Baladhuri to the Prophet Mohammed: "He who does a wrong to a Jew or a Christian will have me as his accuser on the day of the Last Judgement".
65. Mrs. WARZAZ said that Mr. Littman's statement - which she believed was sincere and based on his own conclusions - confirmed her point made the previous day that there were many cases of double standards. That remark applied to non-governmental organizations as well as to Governments. Mr. Littman had been right to say that the Sub-Commission should make a study of the supply of non-conventional weapons. However, he had spoken only of Iraq in connection with the Middle East. It was well known, however, that Israel had a nuclear potential that was much more advanced than that of Iraq or any other Middle Eastern country. She would have supported Mr. Littman's proposal had it applied to all the countries of the Middle East including Israel.
66. Mr. AHDEROM (Baha'i International Community) drew the attention of the Sub-Commission once again to the continued systematic discrimination and oppression suffered by the Baha'i community in the Islamic Republic of Iran. That wave of persecution had begun in 1979 and affected a whole generation of Baha'is who lived with the knowledge that for no other reason than their religious beliefs they had no rights. He was therefore grateful to the Sub-Commission for considering the human rights situation of minority groups such as the Baha'is in the Islamic Republic of Iran, as called for by Sub-Commission resolution 90/9.
67. The Baha'i International Community acknowledged that there had been some isolated and sporadic improvements in the harsh treatment meted out to individual Baha'is over the past decade. However, as long as Baha'is were officially considered "unprotected infidels", enjoying no protection under the law, any improvement in their situation could be reversed immediately. Indeed, since the publication of the report (E/CN.4/1991/35) by Mr. Galindo Pohl, the Special Representative to the Commission on Human Rights, in February 1991, some forms of persecution that had been reduced had begun anew. Numerous official documents demonstrated the religious nature of those persecutions. The Baha'is must therefore continue to rely on the vigilance of the international community as their main means of protection.
68. Since 1979, 197 Baha'is had been killed and 15 others had disappeared and were presumed dead. The frequency of such killings had declined in late 1987 but the situation continued to be precarious. Since Mr. Galindo Pohl's recent visit, Baha'is had been arbitrarily arrested, detained and imprisoned on no charge other than that of adherence to the Baha'i faith. In 1990, over 40 Baha'is had been detained for periods ranging from 12 months to 120 days, 31 of them during the first 6 months of the year. As at 5 July 1991, 10 Baha'is were reported to be in prison.
69. Baha'is were being strangled economically. Thousands of them, dismissed from positions in Government and education because of their religious beliefs, remained unemployed and were officially deprived of the pensions to which they were entitled. There were inconsistencies in issuing and renewing business

licences for Baha'is, and Baha'i farmers were still being refused access to farmers' cooperatives, often the only source of credit, and essential agricultural inputs. Many Baha'i private and business properties, arbitrarily confiscated during the past 12 years, were now being sold at government auctions. Prevented from practising their professions or from earning a livelihood for more than a decade, Baha'is were being stripped of the very means of economic survival.

70. Baha'is were still not allowed to leave the Islamic Republic of Iran freely. In 1990, 380 passport applications were submitted by Baha'is, but only 61 passports were issued, mostly to the sick and elderly. Since March 1991 the issuing of passports to Baha'is had completely stopped. In June 1991, 400 passport applications were waiting to be processed by the Iranian authorities. Baha'i applicants were treated rudely and told to recant their beliefs in order to obtain a passport or to have a current passport renewed or extended.

71. Deprived for over 10 years of the right to maintain its administrative institutions, the Baha'i community was still unable to organize the most basic religious activities. Even Baha'i children's classes for the inculcation of moral and spiritual values had been prohibited by official government order. Baha'is experienced difficulty in burying their dead in a number of cities, since most of their own cemeteries had been confiscated along with all their holy places, historic sites and administrative centres, many of which had been destroyed. Baha'is might now assemble only in limited numbers and in private homes.

72. Baha'i marriages and divorces were not legally recognized. Thus Baha'i children suffered the consequences of being considered illegitimate, particularly in relation to securing legal documents and inheritance. Although Baha'i children had recently been readmitted to elementary and secondary schools, for over 12 years they had been systematically denied access to institutions of higher education.

73. The seriousness of the situation facing the Baha'i community had been documented by the Special Representative in his report to the forty-seventh session of the Commission on Human Rights (E/CN.4/1991/35). The Baha'i International Community was greatly concerned that the abuses against it represented a relentless effort to uproot the Baha'is from the land of their birth. The situation therefore warranted continued attention and monitoring by the Commission on Human Rights and the Sub-Commission. The Baha'i International Community was convinced that the international attention focused on the plight of the Baha'is in the Islamic Republic of Iran since 1980 still constituted an importance source of protection for the beleaguered community. It therefore noted with deep appreciation the Special Representative's specific recommendation that the international community should continue to monitor the implementation of the human rights instruments to which the Islamic Republic of Iran itself was a party.

74. Because of the continued unfounded allegations by the Government of Iran, the Baha'i International Community was obliged to point out that the Baha'is in Iran were not aligned with any opposition movement, ideology or Government. Baha'is were enjoined by the principles and teachings of their faith to be

obedient to the Government of the countries in which they lived, and thus they represented no threat to the Government of the Islamic Republic of Iran. Moreover Baha'is appreciated the important contributions to the advancement of world civilization of all revealed religions including Islam. Baha'is wished only to be granted the same rights as other Iranian citizens to practise their religion freely both as a community and as individuals. They looked forward to the day when they would be allowed to contribute fully to the development of their country.

75. Mr. DIENG (International Commission of Jurists) said that the ICJ wished to call for increased United Nations protection of human rights in areas where gross violations of such rights were occurring, in particular in Iraq and the occupied Palestinian territories. The previous month Amnesty International had warned the United Nations that hundreds of thousands of Kurds, Arab Shiah Muslims and others in Iraq were at serious risk of grave human rights violations. The current United Nations presence in northern Iraq was restricted to humanitarian concerns. Amnesty had therefore advocated the establishment of a United Nations human rights monitoring body in that country. The disturbing news from that region, in particular the Turkish military attacks on Kurdish civilian areas in northern Iraq in clear violation of international law, rendered that call even more urgent.

76. There was an international responsibility to protect human rights, respect for which was one of the fundamental purposes of the Charter of the United Nations. The United Nations had repeatedly decided that gross violations of human rights were not exclusively within the domestic jurisdiction of States. Such violations were the legitimate concern of the international community wherever they occurred. The draft code of crimes against the peace and security of mankind recently adopted by the International Law Commission listed systematic killings, torture, deportation or forceful transfer of populations and the persecution of individuals on the basis of their release not only as gross violations of human rights but as crimes against peace and security. When those practices gave rise to humanitarian issues of such magnitude that the international community must grapple with them, they ceased to be essentially within the jurisdiction of a State.

77. In the past few months there had been a growing trend at the United Nations to give primacy to humanitarian concerns, as exemplified in Security Council resolution 688 (1991) condemning the repression of the Kurdish population in Iraq and paving the way for United Nations humanitarian efforts in the area. The International Commission of Jurists welcomed that resolution and the trend it epitomized, but wished to see human rights concerns given priority consideration. It understood sovereignty as conferring responsibilities on each Government to promote and protect the basic human rights of those residing in its territory. In that respect it noted with satisfaction that the United Nations Observer Mission in El Salvador (ONUSAL), established to oversee the peace agreements reached between the Government and the guerrilla forces in El Salvador, would include a mechanism to inquire into human rights abuses by both sides during the long internal armed conflict. The ICJ hoped that a similar mechanism could be established in Guatemala.

78. The ICJ would, however, like the United Nations to be more consistent in dealing with gross violations of human rights. For years it had been calling such violations in the occupied Palestinian territories to the attention of various United Nations organs. Those violations had been noted and resolutions of condemnation adopted, but very little had been done on the ground to protect the Palestinian population. Israel did not even allow the committee established by the Economic and Social Council to investigate Israeli practices in the occupied territories to enter the country. Security Council resolution 681 of 20 December 1990, expressing grave concern at the deterioration of the situation in the Palestinian territories, merely requested the Secretary-General to monitor and observe the situation through existing United Nations agencies operating in the occupied territories. The Secretary-General had discharged that duty by assigning the mission to the United Nations Relief and Works Agency. That passive solution had had hardly any real effect on the human rights situation.

79. The United Nations should act more firmly and creatively in the protection of human rights in areas where gross violations occurred. Guided by the example of El Salvador, United Nations monitoring and protection teams could also be established in other areas of grave concern, especially where the United Nations was participating in efforts to resolve conflicts. Those included Iraq, the occupied Palestinian territories, Guatemala, Cambodia and might include others such as East Timor and Papua New Guinea.

80. In calling for more vigorous protection of human rights the ICJ did not, however, embrace the concept of "humanitarian intervention" used in the past to justify military attacks on sovereign nations. Such a notion belonged to an era of unequal relations and indeed the ICJ had spoken out against the unlawful invasions of Grenada and Panama. Action taken on humanitarian grounds should be in conformity with the most basic right of every people: the right to internal and external self-determination.

81. In 1988 and 1989 the ICJ, together with non-governmental organizations, had called on the international community to ensure the protection of the Kurdish population in Iraq. The consequence of the failure of the international community to act was known to all. The ICJ was again requesting the international community to take action and sincerely hoped that the United Nations would continue the trend towards assuming a more active role in the protection of human rights. The establishment of a United Nations human rights monitoring and protection mechanism in Iraq and wherever gross violations of human rights occurred would be a step in that direction.

82. Ms. MACLIING-CLAVER (Four Directions Council) said that the indigenous peoples of the Cordillera region of the Philippines had been the victims of the total war policy launched by the armed forces since 1987. Intensive operations in Marag Valley since October 1990 had resulted in the displacement of 1,600 Isnegs indigenous to that area and the death of at least 120 persons including 117 children from an epidemic of measles in the process of the evacuation. Houses had been burnt by soldiers, rice fields destroyed by bombing and farm animals slaughtered during those operations. Hunger stalked the populace which had been unable to harvest its crops since the start of the military campaign. In April 1991 Brigadier General Emiliano Templo, chief of the civil-military relations of the armed forces, had admitted the possibility

of lapses by the military in Marag. That was a complete contradiction of earlier statements to the effect that there were no civilians in Marag. Military officers had recently made it clear that Marag Valley was still under the control of insurgents. The military would probably pursue the campaign in that area at the expense of innocent civilians.

83. Elsewhere in the Cordillera the same pattern of massive operations had continued. Since May 1991, 6,000 additional troops had been deployed in Kalinga, Abra, and the Mountain Province. The military assumed that those areas were the strongholds of the communist insurgents and that operations were necessary to flush them out. They had, however, merely succeeded in dislocating the lives of the indigenous peoples. A fact-finding mission composed of humanitarian and church groups attempting to enter Pinukpuk to investigate the reported atrocities had been stopped by the mayor.

84. The total war had resulted in the violation of the collective right of the people to its ancestral land from which families had been uprooted during militarization; in the destruction of 1,000 hectares of reforestation project after continuous bombing as well as the contamination of water sources from bombs dropped on springs and rivers; the use of children as human shields by soldiers and the rape of two young girls; the disruption of education, the theft and destruction of indigenous heirlooms; and a shortage of food and medicines due to restrictions imposed by the military.

85. There were strong reasons to believe that while the armed forces had invoked its mandate to implement a massive counter-insurgency campaign, the real intention was to assure the future exploitation of the remaining rain forests and mineral resources in the region. The Government of the Philippines had an estimated external debt of \$30 billion with the World Bank, the IMF and other international banks. With an economy in crisis, the national economic planners had admitted that natural resources were a potential source of income for the servicing of the foreign debt. The Cordillera was one of the resource regions in the Philippines but could only be exploited after the people's opposition to such projects had been overcome by Government troops.

86. The violation of human rights was not epitomized only by military action. In Itokon, Benghet, the operation of open mining by the Benghet Corporation, one of the country's biggest mining corporations, largely controlled by foreign banks, continued in spite of opposition by the people. The project, which would flatten seven mountain communities out of nine, would displace the Kankanaeys, Ibalays and other indigenous small-scale miners. The people had resorted to dialogue with government agencies and legislators, to no avail. When they barricaded the entry of mining machinery, the constabulary had been used to intimidate them. Ultimately, the earnings from such destructive mining operations proved more decisive.

87. Four Directions Council had urged the Government and now urged the Sub-Commission to take the necessary steps to stop the military campaigns that caused so much suffering to the people. It also asked for the repeal of the total war policy that violated the rights of the indigenous peoples.

88. Her people wanted peace, which they had known even before the birth of the Philippine Republic. The absence of peace had prevented them from nurturing their land. They sought genuine and meaningful participation in any decision made affecting the Cordillera. Only thus could a solution to the internal conflict be facilitated. Only when the Government realized the importance of the indigenous people's participation in policy-making would the first step be taken towards a peace process. The total war policy constituted the present framework of increased militarization and human rights violations on the part of the Philippine Government. To repeal it would be consistent with the Government's constitutional commitment to respect the rights of the indigenous peoples in the Cordillera and elsewhere, and would be a significant factor in the Government's fulfilment of its international obligations.

89. The Filipino people reiterated the firm belief that the Sub-Commission would respond to its appeal for a concerted effort to promote genuine human rights in the Philippines and secure peace based on justice.

90. Mr. HAMERMAN (International Progress Organization) said that a grave and systematic violation of human rights and fundamental freedoms was being carried out against the entire population of Iraq, unprecedented in form and dimension. The most basic right, the right to life, was being denied to 18 million people by the continuation of the sanctions policy implemented through the United Nations Security Council. That policy involved a total boycott, following the deliberate destruction of Iraq's infrastructure. A further special feature of the case was that the violation was being carried out not by a national government, but by an intergovernmental body against the population of a State Member of the United Nations.

91. The International Progress Organization (IPO) was intervening under Economic and Social Council resolution 1235 (XLII) on the question of the violation of human rights and fundamental freedoms in all countries. In Iraq, the population was being deprived of food, water and medicine. According to the July 1991 report issued by the inter-agency task force led by the representative of the Secretary-General, Prince Sadruddin Aga Khan, the impact of the sanctions on the economy and living conditions of the civilian population had been, and remained, very substantial. The report stated that damage to water treatment plants and the inability to obtain the needed spare parts had cut off an estimated 2.5 million Iraqis from the government system which they had relied upon before the war. Those who still received water were now provided, on average, with one quarter of the pre-war amount per day, much of it of doubtful quality. As a result of the destruction of the sewage system, raw sewage was flowing in some city streets and into rivers. Diarrhoeal diseases, thought to be caused by water and sewage problems, were at four times the level of a year previously. The country was already experiencing outbreaks of typhoid and cholera.

92. According to the same report, owing to the lack of supplies, electricity, water and medicines, the health system was hamstrung. Iraq had not been able to receive medicines and medical supplies since August 1990. The report stressed that, since humanitarian agencies lacked the financial means to meet that demand, mechanisms needed to be urgently established for the country to procure its own medical supplies and to maintain its equipment in operation. Failing that, the health situation would worsen further.

93. A similar picture emerged regarding supplies of food. The report indicated that the aggregate cereal production for 1991 would be around one third of that for 1990. What food was available was beyond the reach of all but the very wealthy, since wheat and rice prices had increased by 45 and 22 times respectively. Malnutrition was widespread, especially among children, pregnant women and lactating mothers. Taken collectively, that information clearly demonstrated a widespread and acute food supply crisis which, if not averted through timely intervention, would gradually but inexorably cause massive starvation throughout the country.

94. Power-generating capacity, restored to 25 per cent of pre-war levels, was precarious, since it depended on the use of cannibalized spare parts. Little more could be done further to increase power generation unless a major importation of spare parts was allowed.

95. Such a threat to the very existence of up to 18 million Iraqi citizens was a grave violation of articles 3, 22 and 23 of the Universal Declaration of Human Rights and might constitute genocide as defined by the Convention on the Prevention and Punishment of the Crime of Genocide. Thus the situation in post-war Iraq could be characterized as similar to that of a medieval city under siege whose population, being cut off from outside assistance, was condemned to perish in the course of time. According to a May 1991 Harvard study team report, the inhabitants most affected were the children. The members of the United Nations Security Council bore a personal, moral and legal responsibility for the grave consequences of the continuation of the sanctions because they had been duly informed of the findings of the Harvard study team report, as well as of the report by the United Nations task force, which had urgently recommended lifting the embargo. In addition, IPO had sent a letter to the Chairman of the Sanctions Committee on 4 July 1991 and another to the Secretary-General of the United Nations on 24 May 1991 drawing attention to the fact that the continuation of the United Nations boycott against Iraq gravely endangered the health and livelihood of the whole Iraqi people, especially of the children. The letter had stressed the fact that no basis for the continuation of the sanctions existed, following the restoration of Kuwaiti sovereignty, in accordance with paragraph 2 of Security Council resolution 661 (1990). It had further stated that even Security Council resolution 687 (1991) did not link the issue of sanctions to any conditions related to the internal political situation in Iraq. Yet two permanent members of the Security Council had hinted that they intended to use their veto power to link the lifting of the sanctions to certain political conditions. A human tragedy of immense proportions was unfolding in Iraq, not due to natural causes but to the decisions made by organs of the United Nations itself. IPO demanded that such an anomalous case of systematic violations of human rights be brought before the Commission on Human Rights and that the Commission urge the Security Council to desist from its policy.

96. Mr. EMERY ROBERT (Centre Europe - Tiers Monde) recalled that his organization had expressed its concern regarding human rights violations in Morocco at recent sessions of the Commission on Human Rights and of the Sub-Commission, speaking on behalf of detainees, missing persons and persons held in the clandestine prison of Tazmamart, of whose existence the Government of Morocco had claimed to be unaware in a statement to the Human Rights Committee at the end of 1990. A direct witness would now take the floor.

97. Mr. ABDELGHANI ABABOU (Centre Europe - Tiers Monde) said that he wished to give evidence on behalf of himself and of a number of Moroccan human rights associations.

98. His father and two of his uncles had been arrested at the time of the attempted military coup d'état of 10 July 1971. His father had been sentenced to 20 years' imprisonment, and his uncles to five years each. The other arrested persons had received sentences ranging from two years' to life imprisonment. From that time onward he had visited his father every week at the Kenitria prison, where his father had been detained with dozens of other political prisoners. On 9 August 1973 he had visited the prison as usual, only to be informed that his father and all the other military prisoners, including those associated with the second attempted coup d'état in August 1972, had been transferred to an unknown destination. However, the efforts made by him and his lawyer to ascertain their whereabouts had been of no avail until 13 July 1975, when armed men had occupied his family residence. His family had been informed that a group of prisoners, including his father and the trade union militant Houcine Manouzi, whose home had also been raided by armed men, had escaped from a secret prison near Rabat.

99. The Sub-Commission would understand the distress of the families of those detained in inhuman conditions at Tazmamart prison. The conditions at the prison were described in various documents published by Moroccan and international associations. A number of persons had already died as a result of them. The nightmare conditions had been confirmed by persons who had escaped from the death camps. The Association of Relatives and Friends of Missing Persons in Morocco had tried to gather as much information as possible on the fate of the prisoners concerned. In 1983 another prison at Kalaat M'Gouna had been discovered. Persons were also being held incommunicado for years at a large number of police stations and barracks.

100. On behalf of all the relatives of the missing persons and of all the associations that he represented, he appealed to the Sub-Commission to help to save lives and to ensure respect for the law. He, like other relatives of missing persons, had had to choose exile in order to be able to speak out about their fate. The Moroccan authorities, however, accused persons such as himself of playing the game of the enemies of Morocco, thus adding insult to injury. All that he and the associations which he represented wanted was respect for the laws which the Moroccan authorities themselves had promulgated and for the international instruments which they had signed. Some of their relatives had never been tried, and his own relatives had already served their sentences. His father should have been released in July 1991. Thus the Sub-Commission was urged to demand that prisoners who had served their sentences be released, that prisoners who had not been tried be tried, that the others be set free or placed in official prisons, and that an international mission of inquiry find out the truth about the fate of all missing persons in Morocco.

101. Mr. KABUI (International Working Group for Indigenous Affairs) said that he represented the interim Government of Bougainville, which was an area of some 8,000 square kilometres with a population of 160,000 people. It was geographically the northernmost island of the Solomon Islands, over 1,000 kilometres from Papua New Guinea. It was only 6 kilometres by canoe to

its nearest neighbour in the Solomon Islands. It was therefore ludicrous that Bougainville should remain a separate territory from the Solomon Islands, with which it shared culture, ethnicity, tradition and geography, while Papua New Guinea shared none of the above prescriptions for identity as a people.

102. Bougainville was a tragic example of the consequences of an indigenous people being denied the fundamental right to self-determination. In June 1988 it had demanded that Papua New Guinea honour the provision for renegotiation of the Bougainville Copper Mining Agreement, which was supposed to be reviewed every 7 years and which Papua New Guinea had chosen to ignore for 11 years. The people of Bougainville had been concerned about the extreme levels of destruction of their flora, fauna and culture and the fact that Bougainville's resources had been extracted for the benefit of Papua New Guinea, with little remuneration for the people of Bougainville. The transmigration of mainlanders had also been a concern. The failure of the Government of Papua New Guinea to consider requests for renegotiation had led to demonstrations by the landowners, resulting in the closure of the mine concerned.

103. The human rights violations committed by the Government of Papua New Guinea against the people of Bougainville during the past three years were well documented in official reports by Amnesty International, the International Committee of the Red Cross, the Australian International Development Bureau, reliable media interviews, photographic evidence and documents collated by the then North Solomons Provincial Government. Women had been raped and murdered, families killed in their homes, and children shot in the fields. Civilians had been detained, tortured, murdered and dumped from helicopters into the sea. Villages had been destroyed and populations displaced. Summary torture and executions had become the norm. What had started out as a local dispute had spread and developed into a self-defence struggle against racism.

104. The Bougainville Revolutionary Army had achieved victory, and on 1 March 1990 Papua New Guinea had withdrawn its forces and administrators, suspending all services. However, on 23 April 1990 a complete blockade of the island had been declared by the Government of Papua New Guinea. The blockade and the refusal to negotiate it had left Bougainville with no alternative but to declare independence on 17 May 1990. Subsequent attempts at negotiation had resulted in broken treaties and attempts at re-invasion by Papua New Guinea. The siege had had catastrophic results for Bougainville. No humanitarian relief had been allowed to enter it, and it was denied all access to communications. The only activity on the once prosperous island was gardening and hunting; industries lay dormant, the towns were deserted, and the schools were closed. Over 5,000 people had died as a direct result of lack of medical supplies; 8,000 children had not been immunized, and previously benign diseases had become life-threatening. The Government of Papua New Guinea was certainly aware of the consequences of the blockade. Its whole approach to the situation demonstrated its intention to destroy the people of Bougainville, which might constitute genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.

105. The Solomon Islands, first colonized by Germany in the mid-nineteenth century, had been separated from Bougainville in 1900 in agreements between Germany and the United Kingdom, the southern Solomon Islands being traded to the United Kingdom. After the First World War, the German territories, collectively termed New Guinea, had become a part of the League of Nations mandate and had been placed under Australian administration along with the Australian territory of Papua. The people of Bougainville had begun to object to the territorial separation from their brothers in the Solomon Islands, with whom marriage and trading had existed for thousands of years. During the Second World War Bougainville had been occupied by the Japanese, then by the Americans, and had once again been handed over to Australian administration as a United Nations trust territory, still separate from the Solomon Islands. The Australian colonial administration had been responsible for opening the Panguna mine in 1964 to fund the entire territories of Papua New Guinea. The landowners had objected but had been dealt with harshly by the administration. In 1975, when Papua New Guinea had been declared independent, Bougainvillians had been denied access to a plebiscite by Australia and Papua New Guinea in what had amounted to a clear denial of the right to self-determination according to the freely expressed will of the people concerned. The continued colonization of Bougainville as the "North Solomons Province" by Papua New Guinea had been tantamount to an annexation of the island following its previously declared independence two weeks prior to that of Papua New Guinea. Bougainvillians did not understand Papua New Guinea's willingness to shoulder the colonial mantle and to prosecute with violence and genocidal intent a claim over territory to which they, as tribal people, knew that they were not entitled.

106. In August 1990 negotiations had taken place, but one week later Papua New Guinea had re-invaded Buka Island and had recommenced its programme of human rights violations, in clear breach of article 13 of the Third Geneva Convention of 1949, to which it had become a party in 1976. Out of humanitarian concern, the Government of the Solomon Islands had initiated further talks between the two sides, resulting in a fresh agreement signed on 23 January 1991, under which both sides had consented to "accept external assistance" in the form of a peace-keeping force. However, the treaty had been violated by a further military incursion into Bougainville. Papua New Guinea's lack of integrity in failing to honour treaties and agreements had been a major contribution to the resultant bloodshed and pointed to the need for international monitoring of treaties between States and peoples. In addition to the points already made, it should be borne in mind that Bougainville was economically viable as a State and capable of trade relations with other countries, that it possessed a Government representative of its people, which maintained sovereignty over the territory, that its people had repeatedly expressed its desire for autonomy, that its 160,000 inhabitants were numerically sufficient for independence, that its economic exploitation constituted a denial of self-determination and the right to sovereignty over natural resources, and that discrimination against Bougainvillians offended many group rights, including those set forth in the Convention on the Elimination of All Forms of Racial Discrimination. The only meaningful way to secure human rights for the people of Bougainville was to recognize the territory's right to self-determination. He therefore urged the Sub-Commission to recommend that the Secretary-General of the United Nations use his good offices to facilitate a dialogue between the State of

Papua New Guinea and the people of Bougainville; he further requested that the United Nations initiate humanitarian intervention by participating as an observer in future negotiations to ensure the implementation of treaty prescriptions, in the establishment of the prescribed multinational peace-keeping force, and any democratic elections or plebiscites as might be necessary to ensure the future democratic freedom of the people of Bougainville.

107. Mr. KHAN (Liberation) noted that in a study on the implementation of United Nations resolutions on self-determination, the United Nations Special Rapporteur had stated that only when self-determination had been achieved could a people take the measures necessary to ensure human dignity, the full enjoyment of all rights, and the political, economic, social and cultural progress of all human beings without any form of discrimination. Since 1947, when the Maharajah of Jammu and Kashmir had acceded provisionally and conditionally to the newly formed State of India, without any reference to the will of the people, the right of self-determination had been denied to the people of Jammu and Kashmir, leading to the denial of all other rights set forth in the International Covenant on Civil and Political Rights. Since the beginning of 1990, the people of Jammu and Kashmir had lost patience with the continued refusal by the Indian authorities to keep solemn pledges made by the former Governor-General, Lord Mountbatten, and by the former Prime Minister, Pandit Nehru, to allow the free will of the people to be expressed. When the case of Kashmir had come before the United Nations on 13 August 1948, the agreement of India and Pakistan that the future status of the territories would be determined in accordance with the will of the people had been recorded. In 1951, however, the Indian authorities had convened a Constituent Assembly, which had then purported to ratify the temporary accession to India. The Assembly had been composed of 75 members, 73 of whom had been returned unopposed while the three principal leaders of the opposition had been in prison. On 30 March 1951, the Security Council had declared that any action which that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. In 1957 the Security Council had reaffirmed that decision. Since then the matter had not been considered because it had been known that the veto would be used by India's allies. Nevertheless, the people of Kashmir had continued to oppose Indian rule throughout the years. In 1990, encouraged by events in Eastern Europe, Namibia, and South Africa, it had taken to the streets in the largest demonstrations ever seen in the world. In April, a million people had marched in Srinagar. The Indian authorities had responded by shooting unarmed civilians at random, killing dozens and injuring hundreds.

108. The maintenance by India of a very large military presence in Kashmir had adverse consequences for the entire region. It constituted a threat to peace which ought to be considered by the United Nations Security Council under the Charter, it created enormous strains on the Indian economy, it fanned social and religious tensions within India itself and undermined the secularity which Indian politicians like to claim as the bedrock of their Constitution, and it seriously harmed India's democratic reputation. Clearly, if the people of the

occupied territory was as implacably opposed to Indian rule today as it had been 44 years previously, the maintenance of the occupation was a negative and uncivilized policy.

109. Since the beginning of 1990, when the manifestations of Kashmir's will to self-determination had reached a new level of intensity, the United Nations had reasserted, in the case of Kuwait, the principle enunciated in the Charter that acquisition of territory by force was prohibited. The rights of the people of Western Sahara, long occupied by its powerful neighbour, had been recognized by the United Nations, and at the same time the people of Eritrea had attained freedom after a 30-year struggle.

110. The people of Kashmir did not want a war with India. They wished to secure their rights by constitutional means, if the world community could persuade the Indian authorities to honour their pledges and obligations under the International Covenant on Civil and Political Rights. If, however, the route to freedom by peaceful and democratic methods was blocked, the people of Kashmir would have no alternative but to assert its rights by the use of the appropriate means, in accordance with General Assembly resolution 3314 (XXIX) of 14 December 1974, which recognized the legitimacy of the struggle of peoples under colonial and alien domination. The United Nations was therefore urged to ensure that wanton and systematic acts of violence by the Indian security forces were stopped, and the Sub-Commission was urged to recommend a full investigation of specific wanton acts of violence, rape and terror by the occupation forces in Kashmir. All foreign forces of occupation should be withdrawn and the territory should be placed under the administration of the United Nations, which should create conditions conducive to a free and unfettered expression of the people's will to determine its own future. As Mr. Nehru had rightly stated, Kashmir was not a prize for India or Pakistan. It had an individual existence and its people must be the final arbiters of its future.

The meeting rose at 1.05 p.m.